

LAMAR HUNT

IBLA 76-752

Decided November 5, 1976

Appeal from decision of the Oregon State Office, Bureau of Land Management, rejecting in part noncompetitive geothermal lease application, OR 12276.

Affirmed.

1. Geothermal Leases: Applications -- Geothermal Leases:  
Noncompetitive Leases

Where a noncompetitive geothermal lease application describes all the lands in a certain section by legal subdivisions and the section contains an available unsurveyed lake bed, the lease offer will be rejected as to such section because of the applicant's failure to describe the unsurveyed lake bed by metes and bounds as required by 43 CFR 3203.4(b).

APPEARANCES: Lamar Hunt, pro se.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

Appellant filed a noncompetitive geothermal lease application pursuant to section 4 of the Geothermal Steam Act of December 24, 1970, 30 U.S.C. § 1003 (1970), and the regulations thereunder, 43 CFR Part 3200, for certain lands in Lake County, Oregon, on February 19, 1974.

By cover letter dated July 21, 1976, the Oregon State Office, Bureau of Land Management (BLM), informed appellant that lease OR 12276 was being issued with an effective date of August 1, 1976. A copy of the lease was enclosed. The lease was issued for 1,319.71 acres.

On August 2, 1976, BLM issued a decision rejecting that part of lease application OR 12276 described as follows:

Willamette Meridian, Oregon

T. 40 S., R. 25 E., Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, 8, SW 1/4 NE 1/4, NW 1/4, W 1/2 SE 1/4, E 1/2 SW 1/4, W 1/2 SE 1/4 NE 1/4, NW 1/4 NE 1/4, W 1/2 NE 1/4, W 1/2 E 1/2 SE 1/4, E 1/2 W 1/2 SW 1/4. All.

The reason given for the rejection was that the land description was not adequate. BLM explained:

The Warner Lake bed has not been surveyed on the ground and does not show on our records as a protracted survey. Therefore, in accordance with Regulation 43 CFR 3203.4(b) and Item 2 of the General Instructions on reverse of form 3200-8, these lands should have been described by metes and bounds.

Appellant argues that he checked the BLM plat which included section 6, T. 40 S., R. 25 E., Willamette Meridian, and there was nothing on the plat to indicate that Warner Lake had not been surveyed on the ground. Appellant states that in keeping with the instructions in 43 CFR 3210.2-1(c), he made a diligent effort to describe all the lands included in the section. He contends that in any event at most only the unsurveyed bed of the lake should be rejected and that a lease should issue on lots 1-8.

[1] It is clear that a noncompetitive geothermal resources lease application must include all available lands within a surveyed or protracted section or, if the lands are neither surveyed or protracted and are described by metes and bounds, all the lands which will be included in a section when the lands are surveyed or protracted. 43 CFR 3210.2-1(c); see also Austral Oil Company Inc., 21 IBLA 243 (1975); Robert G. Lynn, 19 IBLA 167 (1975).

Section 6 contained both surveyed and unsurveyed lands, the bed of Warner Lake being unsurveyed. However, appellant described the entire section by legal subdivisions.

The regulation, 43 CFR 3203.4, relating to land descriptions to be included in applications for geothermal leases provides, in pertinent part:

(a) Surveyed lands. If the lands have been surveyed under the public land rectangular system, each application or nomination shall describe the lands by legal subdivision, section, township, and range.

(b) Unsurveyed lands. If the lands have not been so surveyed, each application shall describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, \* \* \*

Also the instructions on the reverse of the lease application form (Form 3200-8) require that if lands have not been surveyed on the ground nor shown on records as protracted surveys, each application must describe lands by metes and bounds.

Appellant failed to describe the unsurveyed lake bed by metes and bounds, therefore, the application was properly rejected as to all those lands within section 6. The entire section was rejected because appellant failed to provide an adequate description of all the available land in section 6. Cf. James R. Nicholson, 16 IBLA 258 (1974).

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

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Frederick Fishman  
Administrative Judge

We concur:

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Edward W. Stuebing  
Administrative Judge

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Joseph W. Goss  
Administrative Judge

